IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.21552 of 2004

Between:

Sri Kanya Corporation, A sole proprietary concern
Rep. by its Proprietor D. Srinivas S/o D. Venkat Rao, Business,

R/o 9-5-53/3, Isukhathota Bus Stop,
Sivajipalem, Visakhapatnam .

..... PETITIONER

AND

1 Rashtriya Ispat Nigam Ltd, Visakhapatnam Steel Plant HQ Sales

(Vizag), Rep. by its Branch Manager Sales Office, Room No. 55,

D Block, Project Office Complex,
Visakhapatnam Steel Plant, Visakhapatnam.
2 The Branch Manager, Rashtriya Ispat Nigam Ltd, Visakhapatnam Steel

Plant HQ Sales (Vizag),
Room No. 55, D Block, Project Office Complex,
Visakhapatnam Steel Plant, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ or writs or direction/s in declaring the inaction of the respondents in considering the representation of the petitioner for entering into LTC
Type -2 Agreement for supply of Steel for the year 2004-05 as illegal, arbitrary and unconstitutional.

Counsel for the Petitioner: MR.B.VIJAYSEN REDDY

Counsel for the Respondents: MR.V.RAVINDER RAO

The Court made the following:

ORDER:

Questioning the inaction of the respondents in not considering the representation of the petitioner-Corporation for entering into LTC Type-2 agreement for supply of Steel for the year 2004-2005, the present writ petition is filed.

The case of the petitioner-Corporation is that it is engaged in the business of retail steel trading and it was entered into an agreement with the respondents-Company on 08.06.2002 viz., "Agreement for LTC Type-2" agreeing to purchase total quantity of 5,445 metric tons of Steel manufactured by the respondents-Company. It is stated that the petitioner-Corporation was able to lift only 12% of the agreed quantity allotted in the year 2002-2003 under LTC Type-2 agreement and later it approached the respondents several times and requested to supply steel by renewing the LTC Type-2 agreement for the year 2003-2004, but they did not consider the same. The grievance of the petitioner-Corporation is that it made a written representation on 28.07.2004 requesting the respondents to allot steel for the years 2004-2005, but the same is not considered by the respondents so far. Hence the writ petition.

Heard the learned counsel for the petitioner and learned counsel for the respondents. Both the counsels have agreed to dispose of the writ petition with a direction to the respondents to consider the representation of the petitioner.

Since, the representation of the petitioner is pending consideration with the respondents, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with a direction to the respondents-Company to consider the representation of the petitioner dated 28.07.2004 and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of at the stage of admission. No costs.

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(N.V. RAMANA, J)

Date: 29.11.2004

Nsr/Tvk

To

1 The Branch Manager, Rashtriya Ispat Nigam Ltd, Visakhapatnam Steel

Plant HQ Sales (Vizag), Sales Office, Room No. 55,

D Block, Project Office Complex,
Visakhapatnam Steel Plant, Visakhapatnam.

2 The Branch Manager, Rashtriya Ispat Nigam Ltd, Visakhapatnam Steel

Plant HQ Sales (Vizag),
Room No. 55, D Block, Project Office Complex,
Visakhapatnam Steel Plant, Visakhapatnam.

3 Two CD copies.

THE HON'BLE SRI JUSTICE N.V. RAMANA

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WRIT PETITION NO.21552 of 2004

Date: 29-11-2004